

## CHAPTER 1 INTRODUCTION

1-1. Purpose. This pamphlet provides information on public participation in the Defense Environmental Restoration Program (DERP) for Formerly Used Defense Sites (FUDS) through discussion of procedures for the establishment and maintenance of community relations programs, Restoration Advisory Boards (RABs), and Administrative Records. The information presented herein complements the information provided in chapter 10 of Program Manual: Defense Environmental Restoration Program for Formerly Used Defense Sites.

1-2. Applicability. This pamphlet applies to all Headquarters, U.S. Army Corps of Engineers (HQUSACE) elements and all U.S. Army Corps of Engineers (USACE) Commands having responsibility for performing hazardous, toxic, and radioactive waste (HTRW) and ordnance and explosives (OE) response actions at FUDS properties. Although specifically written as guidance for managing the public participation process in relation to the USACE FUDS program, the pamphlet may also be used as a guide when USACE has responsibility to comply with the public participation process in relation to the Installation Restoration, Base Realignment and Closure, and Work for Others programs.

1-3. Distribution Restriction Statement. Approved for public release; distribution is unlimited.

1-4. References. References cited in this document are listed below:

- a. Competition in Contracting Act, 10 USC 2304.
- b. Comprehensive Environmental Response, Compensation and Liability Act of 1980, PL 96-510, 94 Stat. 2767, 42 USC 9601.
- c. Defense Environmental Restoration Program, 10 USC 2701.
- d. Federal Advisory Committee Act, PL 92-463 of 1972, as amended.
- e. National Defense Authorization Act for Fiscal Year 1996, PL 104-112.
- f. Privacy Act, 5 USC, 552a of 1974, as amended.
- g. Superfund Amendment and Reauthorization Act of 1986, PL 99-499, 100 Stat. 1613, amending CERCLA, 42 USC 9601 et. seq., and miscellaneous other sections.

h. Final Rule on Technical Assistance for Public Participation in Defense Environmental Restoration Activities, Federal Register, Vol. 63, No. 21, February 2, 1998.

i. National Oil and Hazardous Substances Pollution Contingency Plan, Title 40, CFR, Part 300, U.S. Environmental Protection Agency, Washington, D.C.

j. Simplified Acquisition Procedures, Title 48, CFR, Part 13.

k. Management Guidance for the Defense Environmental Restoration Program, Office of the Deputy Under Secretary of Defense (Environmental Security), March 1998. This document can be obtained from the Office of the Deputy Under Secretary of Defense, 3400 Defense Pentagon, Washington, D.C. 20301-3400.

l. AR 25-400-2, The Modern Army Recordkeeping System.

m. AR 200-1, Environmental Protection and Enhancement.

n. AR 380-5, Department of the Army Information Security Program.

o. Program Manual, Defense Environmental Restoration Program for Formerly Used Defense Sites, U.S. Army Corps of Engineers, 1996. This document can be obtained from Headquarters, U.S. Army Corps of Engineers, Directorate of Military Programs, Environmental Restoration Division, 20 Massachusetts Avenue, N.W., Washington, D.C. 20314-1000.

p. Technical Assistance for Public Participation Policy Implementation Guidance and Restoration Advisory Board Update, U.S. Army Corps of Engineers, 1998. This document can be obtained from Headquarters, U.S. Army Corps of Engineers, Directorate of Military Programs, Environmental Restoration Division, 20 Massachusetts Avenue, N.W., Washington, D.C. 20314-1000.

q. EPA Directive 9230.0-03C, Community Relations in Superfund: A Handbook, January 1992. This document can be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

r. OMB Circular A-122, Cost Principles for Non-Profit Organizations. This document can be obtained from EOP Publications, 725 17<sup>th</sup> NW, NEOB, Washington, D.C. 20503.

s. Robert's Rules of Order, Newly Revised Edition of 1970. This document is commercially available.

1-5. Explanation of Abbreviations. Abbreviations used in this document are explained in the glossary.

1-6. Background.

a. The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) is the law, passed by Congress in 1980, which authorized the Government to respond directly to releases, or threatened releases, of hazardous substances that may endanger public health, welfare, or the environment. In 1986, Congress passed amendments to CERCLA, entitled Superfund Amendment and Reauthorization Act (SARA). SARA authorized DERP under 10 United States Code (USC) 2701 et. seq. The FUDS component of DERP is managed and executed by USACE under authority delegated by the Department of Defense (DOD) through the Department of the Army (DA). SARA called for increased public participation during all phases of response actions and required the establishment of information repositories and Administrative Records for each FUDS project. Under DERP, DOD issued policy for establishing RABs to review and comment on environmental restoration activities being conducted at military installations and FUDS properties. In 1996, Congress authorized DOD to obtain technical assistance to help RAB members and Technical Review Committees (TRCs) better understand the scientific and engineering issues underlying environmental restoration activities. In response to this authority, DOD has finalized the Technical Assistance for Public Participation (TAPP) program, thereby providing technical assistance to community members of RABs.

b. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) is the Environmental Protection Agency (EPA) regulation which implemented CERCLA. The NCP provides detailed requirements for community involvement in all phases of environmental response actions. Further, the NCP established procedures and requirements for establishing and maintaining Administrative Records.

c. The statutory and regulatory authority and policy guidance indicated in paragraphs a and b above are the basis for the establishment and maintenance of community relations programs, RABs, and Administrative Records as discussed in chapters 2, 3, and 4, respectively, of this pamphlet.